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Marcus F. Doemling

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BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE

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EXAMINER

LEE, PHILIP C

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/924,808	Applicant(s) DOEMLING ET AL.	
	Examiner PHILIP C. LEE	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-11,14-19,22-24,26-28,31-33 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-11,14-19,22-24,26-28,31-33 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment and remarks filed on June 26, 2008.
2. Claims 1, 2, 4, 6-11, 14-19, 22-24, 26-28, 31-33 and 38-41 are presented for examination and claims 3, 5, 12-13, 20-21, 25, 29-30 and 34-37 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Objection

4. Claim 15 is objected to because of the following informalities: Claim 15, line 1, it is dependent upon a canceled claim 12.

Claim Rejections – 35 USC 103

5. Claims 1, 2, 4, 6-8, 10-11, 14, 16-19, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier et al, U.S. Patent 6,379,251 (hereinafter Auxier) in view of Fagelman, WO 99/50760 (hereinafter Fagelman).
6. Auxier was cited in the last office action.
7. As per claim 1, Auxier taught the invention substantially as claimed for enhancing a content object, comprising:
a storage (inherently comprised)

Art Unit: 2152

a browser to download a web resource from a host server to a client computer and be stored in the storage (col. 4, lines 13-20, 26-29);

wherein an enhancement mechanism is downloaded with the web resource (col. 4, lines 20-40; col. 9, lines 43-51), wherein the enhancement mechanism includes:

a request/load module for requesting and loading an advertisement content object from a content server to the client computer (col. 4, lines 20-40; col. 9, lines 43-51), wherein the advertisement content object is selected from a group consisting of an image (e.g., graphic image data) and a banner ad (e.g., banner ad data represented by text, image pointer, etc.) (col. 4, lines 37-43);

an enhancement module for altering an output format of the advertisement content object in real time after being loaded by the request/load module (col. 4, lines 41-63; col. 4, line 63-col. 5, line 4); and

an application programming interface (API) through which the advertisement content object passes before access by the enhancement module (col. 4, lines 35-53).

8. Although, Auxier taught altering the advertisement content object for presentation as an interactive game (col. 5, lines 28-34; col. 7, lines 24-46), however, Auxier did not teach partitioning the content object into a plurality of image data pieces, and scrambling at least some of the plurality of image data pieces relative to each other for presentation as an interactive game. Fagelman taught wherein altering the content object comprises partitioning the content object into a plurality of image data pieces, and scrambling at least some of the plurality of

Art Unit: 2152

image data pieces relative to each other for presentation as an interactive game (page 32, lines 8-17).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Fagelman because Fagelman's teaching of altering the content object would increase the effectiveness in Auxier's system by allowing a advertisement content object in Auxier's system to be altered by partitioning and scrambling the content object for presentation as a game.

10. As per claim 33, Auxier taught the invention substantially as claimed comprising: requesting a computer browser a web resource comprising a web page (col. 4, lines 13-19); retrieving and processing the web resource (col. 4, lines 13-19), wherein the web resource includes an enhancement mechanism (col. 4, lines 20-40; col. 9, lines 43-51); and processing the enhancement mechanism by the computer browser, including the steps of: retrieving an advertisement content object (col. 4, lines 20-40; col. 9, lines 43-51) selected from a group consisting of a banner ad and an image (col. 4, lines 37-43); transferring data from the advertisement content object to an enhancement module that displays the content object to a user of the web resource (col. 4, lines 41-63); and executing the enhancement module in real time (col. 4, lines 57-60; col. 4, line 63-col.5, line 4).

Art Unit: 2152

11. Although Auxier taught image data from the advertisement content object is altered for presentation to a user as an interactive game (col. 5, lines 28-34; col. 7, lines 24-46), however, Auxier did not teach the content object is partitioned into a plurality of image data pieces, at least some of which are scrambled relative to each other for presentation as an interactive game.

Fagelman taught altering content object is partitioned into a plurality of image data pieces, at least some of which are scrambled relative to each other for presentation as an interactive game (page 32, lines 8-17).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Fagelman because Fagelman's teaching of altering the content object would increase the effectiveness in Auxier's system by allowing a advertisement content object in Auxier's system to be altered by partitioning and scrambling the content object for presentation as a game.

13. As per claim 2, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the web resource is a web page (col. 4, lines 13-20).

14. As per claim 4, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the banner ad comprises a banner ad in an industry standard format (col. 4, lines 38-40).

Art Unit: 2152

15. As per claim 6, Auxier and Fagelman taught the invention substantially as claimed in claim 2 above. Auxier further taught wherein the enhancement mechanism comprises a plug-in embedded in the web page (col. 4, lines 46-53).

16. As per claim 7, Auxier and Fagelman taught the invention substantially as claimed in claim 6 above. Auxier further taught wherein the plug-in comprises an applet (col. 4, lines 46-53).

17. As per claim 8, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the content server is an ad server (col. 4, lines 33-34).

18. As per claim 10, Auxier and Fagelman taught the invention substantially as claimed in claim 8 above. Auxier further taught wherein the host server acts as the ad server (fig. 5; col. 9, lines 23-51).

19. As per claim 11, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Auxier and Fagelman do not specifically teach altering the advertisement content object includes displaying information text that requests a user to interact with the plurality of scrambled data image pieces, however, Auxier taught altering the advertisement content object includes displaying information text that requests a user to interact with the data image (col. 5, lines 29-34) (i.e., 430, fig. 4). It would have been obvious to one having ordinary skill in the art

Art Unit: 2152

at the time of the invention was made to include informational text that requests a user to interact with the plurality of scrambled data image pieces because by doing so it would provide encouragement for promoting the click-through to the content object.

20. As per claim 14, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Fagelman further teach enhancement module enables a user to relocate the plurality of scrambled image data pieces to recreate the data object (page 32, lines 8-17).

21. As per claim 16, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the enhancement module instructs the host server to retrieve the advertisement content object (col. 20, line 66-col. 21, line 6).

22. As per claim 17, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Auxier further taught comprising a proxy system that obtains the advertisement content object from the content server on behalf of the client computer (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

23. As per claim 18, Auxier and Fagelman taught the invention substantially as claimed in claim 2 above. Auxier further taught wherein an enhanced content object is created by replacing an embedded ad with an embedded enhancement module (col. 9, lines 32-51).

Art Unit: 2152

24. As per claim 19, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the enhancement module alters the output format of the advertisement content object by providing an informing enhancement that requests a user action (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

25. As per claim 38, Auxier and Fagelman taught the invention substantially as claimed in claim 33 above. Auxier and Fagelman do not specifically teach appends a message to the plurality of scrambled image data pieces that requests an action from an end user, however, Auxier taught wherein the enhancement module comprises an informing enhancement that appends a message to the image data that requests an action from an end user (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include appends a message to the plurality of scrambled image data pieces that requests an action from an end user because by doing so it would provide encouragement for promoting the click-through to the content object.

26. Claims 22-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Angles et al, U.S. Patent Application Publication 2006/0116924 (hereinafter Angles) in view of Pettersen, U.S. Patent 6,826,549 (hereinafter Pettersen).

27. Pettersen was cited in the last office action.

Art Unit: 2152

28. As per claim 22, Auxier taught the invention substantially as claimed for enhancing content, comprising:

loading an advertisement content object for viewing by a user in one of a plurality of formats (col. 9, lines 18-21), wherein the advertisement content object comprises data stored in a predefined format (col. 4, lines 20-40; col. 9, lines 32-51) (e.g. banner ad to be display for viewing) selected from a group consisting of a banner ad and an image (col. 4, lines 37-43);

enhancing the advertisement content object with an enhancement module, wherein the enhancement module causes alteration of the loaded advertisement content object in real time after loading thereof(col. 4, lines 57-60; col. 4, line 63-col. 5, line 4); and

converting through an application programming interface (e.g. java applet) the data from the predefined format of the advertisement content object to a format compatible with the enhancement module (col. 4, lines 35-53).

29. Auxier did not teach selecting enhancement module available based on at least a demographic of the user. Angles taught selecting at least one of a plurality of enhancement modules available based on at least on demographic of the user ([0019], [0155] and [0157]).

30. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Angles because Angles's teaching of selecting based on demographic of the user would increase the effectiveness of Auxier's system by providing custom tailor specific advertisements to particular user according to demographic.

31. Auxier and Angles do not teach each enhancement module selected from a plurality of enhancement modules causes a different visual alteration of the loaded content object. Pettersen taught enhancing the content object with at least one of a plurality of enhancement modules, wherein each enhancement module causes a different visual alteration of the loaded content object (col. 11, lines 40-67).

32. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Angles and Pettersen because Pettersen's teaching of selecting a enhancement module, wherein each enhancement module causes a different visual alteration of the content object would increase the flexibility of the system of Auxier and Angle by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

33. As per claim 23, Auxier, Angle and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the enhancement module converts the advertisement content object into a game (col. 5, lines 43-47).

Art Unit: 2152

34. As per claim 24, Auxier, Angle and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein at least one of the enhancement modules comprises an information enhancement (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

35. As per claim 26, Auxier, Angle and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the loading, the enhancing, and the converting of the predefined data of the advertisement content object is executed within a web page of a web browser (col. 4, lines 13-53).

36. As per claim 27, Auxier, Angle and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the loading the advertisement content object and the at least one enhancement module are implemented by Java applets (col. 4, lines 46-53).

37. Claims 39, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Fagelman in view of "Official Notice".

38. As per claims 39, 40 and 41, although Auxier and Fagelman taught the message is overlaid on top of the content object (fig. 4), wherein the content object include the plurality of scrambled image data pieces (page 32, lines 8-17), however, Auxier and Fagelman did not specifically detailing all of the different location where a message corresponding to the content object is displayed. "Official Notice" is taken for the concept of displaying a message at

Art Unit: 2152

different area corresponding to the connect object in a web page is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different location where the message is displayed because by doing so it would increase flexibility of Auxier's, Fagelman's and Pettersen's systems by allowing the message to be display on the web page according to the interest of the designer.

39. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Fagelman in view of Landsman et al, U.S. Patent 6,785,659 (hereinafter Landsman).

40. Landsman was cited in the last office action.

41. As per claim 9, Auxier and Fagelman taught the invention substantially as claimed in claim 8 above. Auxier and Fagelman did not specifically teach wherein the ad server is a third party server. Landsman taught wherein the ad server is a third party server (col. 11, lines 33-34).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Fagelman and Landsman because Landsman's teaching of third party server would increase the field of use in the system.

43. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Fagelman in view of Erlichman, U.S. Patent 6,790,138 (hereinafter Erlichman).

Art Unit: 2152

44. Erlichman was cited in the last office action.

45. As per claim 15, Auxier and Fagelman taught the invention substantially as claimed in claim 1 above. Auxier and Fagelman did not specifically detailing the location of the game. Erlichman taught wherein the game resides in an area outside of the banner ad (col. 6, lines 35-49).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Fagelman and Erlichman because Erlichman's teaching of location of the game would increase flexibility of system of Auxier and Fagelman system by allowing the advertisement to be display on the web page according to the interest of the advertiser.

47. Claims 28 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier, Angles and Pettersen in view of Landsman.

48. As per claim 28, Auxier taught the invention substantially as claimed comprising:
installing an enhancement mechanism into a requested web page that is to be downloaded to a client, wherein the enhancement mechanism includes the enhancement module (col. 4, lines 20-53);

causing the advertisement content object to be passed to the client for viewing, wherein the advertisement content object is selected from a group consisting of a banner ad and an image (col. 4, lines 37-43); and wherein an enhancement modules causes alteration of the passed advertisement content object to, in real time, convert the advertisement content object to create an interactive game for a viewing user (col. 4, lines 57-60; col. 4, line 63-col. 5, line 4; col. 5, lines 43-47).

49. Auxier did not teach selecting enhancement module available based on at least a demographic. Angles taught selecting at least one of a plurality of enhancement modules available based on at least on demographic of the user ([0019], [0155] and [0157]).

50. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Angles because Angles's teaching of selecting based on demographic of the user would increase the effectiveness of Auxier's system by providing custom tailor specific advertisements to particular user according to demographic.

51. Auxier and Angle did not teach enhancement module selected from a plurality of enhancement modules causes a different visual alteration of the passed advertisement content object. Pettersen taught an enhancement module selected from a plurality of enhancement modules, wherein each enhancement module causes a different visual alteration of the passed

Art Unit: 2152

advertisement content object (col. 11, lines 40-67) to convert the advertisement content object into a scrambled version of the content object for a viewing user (col. 11, lines 30-31).

52. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Angle and Pettersen because Pettersen's teaching of selecting an enhancement module from a plurality of enhancement modules causes a different visual alteration of the content object would increase the flexibility of system of Auxier and Angle by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

53. Auxier, Angle and Pettersen did not teach a proxy system. Landsman taught a similar comprising:

selecting an enhancement module from a plurality of enhancement modules (col. 27, lines 1-12); and

through a proxy system, retrieving a advertisement content object on behalf of the client and causing the advertisement content object to be passed to the client for viewing (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

54. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Angle, Pettersen and Landsman because

Art Unit: 2152

Landsman's teaching of selecting an enhancement module causing a unique alteration would increase the flexibility of Auxier's, Angle's and Pettersen's systems by allowing an enhancement module to change in order to suit a desired environment (col. 27, lines 7-12).

55. As per claim 31, Auxier, Angle, Pettersen and Landsman taught the invention substantially as claimed in claim 28 above. Auxier further taught wherein at least one of the enhancement modules appends an information enhancement to the advertisement content object (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

56. As per claim 32, Auxier, Angle, Pettersen and Landsman taught the invention substantially as claimed in claim 28 above. Auxier further taught wherein the proxy system causes an address of the advertisement content object to be modified to point to an address of a host server (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

57. Applicant's arguments with respect to claims 1, 2, 4, 6-11, 14-19, 22-24, 26-28, 31-33 and 38-41, filed 06/26/08, have been fully considered but are moot in view of new ground(s) of rejection.

58. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM

Art Unit: 2152

Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Patent Examiner, Art Unit 2152